

**REMARKS**

In response to the above-identified Office action, no amendments to the pending claims are submitted. As such, claims 1-25 and 28-35 remain pending. Applicant requests reconsideration and allowance of claims 1-25 and 28-35 in view of the following remarks.

***Claim Rejections – 35 U.S.C. § 103***

**Claims 1-15, 19-25, and 28-35** currently stand rejected under 35 U.S.C. 103(e) as being unpatentable over Bonnell et al. (US Patent Number 5,655,081), herein referred to as Bonnell, in view of Gajda et al. (US Patent Number 6,502,088), herein referred to as Gajda.

As an initial point, Applicant submits that Bonnell and Gajda are improperly combined. Applicant submits that computer system management art (Bonnell) and database art (Gajda) are non-analogous and that the Examiner has not shown proper motivation to combine. Furthermore, even if Bonnell and Gajda could be properly combined, the combination renders Bonnell inoperable for its intended purpose.

“Bonnell discloses a system for monitoring and managing computer resources and applications across a network using at least one manager software system and a plurality of agent software systems running on server computers.” (Action mailed 11/23/05, p. 3) As best as Applicant can determine, the Examiner proposes that Bonnell be combined with Gajda, so that the “plurality of agent software systems running on server computers” are modified to have a “data access layer coupled to a server for providing relational features to non-relational data sources”. (Action mailed 11/23/05, p. 3.) This data access layer would, then, presumably provide the “at least one access point” of claim 1. However, such a combination would render Bonnell inoperable for its intended purpose and change the fundamental principle of operation

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of Bonnell. Under current PTO practice and case law, such a modification is impermissible. (MPEP 2143.01)

As disclosed in Bonnell, in order to discover resources, the network management computer system 10 (Bonnell Fig. 1) sends to the various server computer systems 14 (Bonnell Fig. 1) script programs 42 that allow the server computer systems 14 to discover what resources are on the server computer systems 14 and return the information to the network management computer system 10. (Bonnell, Fig. 7, col. 5, ll. 24–27.) In other words, the script programs are located on the server computer systems 14 and the searching originates at the server computer systems 14. (The entirety of Fig. 7 takes place on the server computer system 14.) Equally clear, each class that is to be searched for is associated with a script to do the searching. (Bonnell, Fig. 7, 120, 124.)

The Examiner has not indicated how Bonnell should be modified to accommodate the “data access layer” of Gajda or what the combination of Bonnell and Gajda looks like. However, the Examiner is presumably suggesting that Bonnell utilize queries instead of the scripts as disclosed in Bonnell. Applicant notes that this is a substantial change in the principles of operation of Bonnell and would require substantial reconstruction and redesign of the elements of Bonnell. Scripts exist at the server computers (e.g. the managed system) and are used to discover resource classes so the information can be transferred to the management computer system. (e.g. Bonnell, Fig. 8 and accompanying text.) These scripts are presumably used so that users of the manager software can “develop scripts for use in customizing the network management system”. (Bonnell, col. 3, ll. 4–5.) Replacing scripts with queries would eliminate that capability and change a fundamental purpose of operation of Bonnell. (MPEP 2143.01) For at least this reason, as well as others, it is not obvious to combine Bonnell and Gajda. Furthermore, as shown below, Bonnell specifically excludes items that do not have specific properties from replacing scripts.

Modifying Bonnell as proposed by the Examiner also results in rendering Bonnell unsuitable for its intended purpose. Applicant calls attention to Bonnell, col. 5, ll. 17–23, where Bonnell outlines the requirements that the language definition used (whether it be scripts or whatever the Examiner proposes should replace the scripts, such as queries) needs to have within the context of Bonnell. As outlined therein, the language definition needs to allow a programmer to: “(1) execute external commands, (2) access system files, (3) communication information about the existence and status of resources, (4) allow the exchange of information between processes, and (5) query and update a knowledge database such as databases 47 and 75.” (Bonnell, col. 5, ll. 19–23.) Applicant submits that according to the disclosure of Gajda, these characteristics are not met by the “data access layer” which is described as providing relational features of two–phase commit, SQL operations, referential integrity, and providing indices to non–relational sources of data. (Gajda, col. 3, ll. 36–41.) Hence, any attempted substitution would render Bonnell inoperable for its intended purpose. Applicant submits that for at least these reasons, it would not have been obvious to combine Bonnell and Gajda.

The Examiner has indicated that it would have been obvious to combine Gajda with Bonnell because “. . . the combination satisfied the need for a solution to the problem of inefficient management of events occurring within a network” and cites Bonnell column 6, lines 15–23. (Action mailed 11/23/05, p. 3.) Applicant submits, however, that the proposed combination does not solve the problem outlined in Bonnell col. 6, ll. 15–23. Attention is drawn to Bonnell, col. 7, ll. 34–44 where Bonnell outlines that the problem is keeping all the consoles in sync when a user acknowledges an event. This is accomplished by propagating information between agents and then to consoles. Thus, the solution requires getting appropriate data to the appropriate place so that logs can be updated. Applicant submits that including a “data access layer” does nothing to make sure that data propagates around the network to the appropriate location and hence cannot provide the solution that the Examiner

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proposes is the motivation to combine. There thus appears to be no motivation to combine beyond the use of impermissible hindsight.

Finally, the best that can be said about Bonnell and Gajda is that both are generally directed to software. In every other aspect, the two pieces of art address different problems, produce different results, are used for different purposes, and even require different system architectures and infrastructure. Additionally, Bonnell nor Gajda indicate any problems that would be solved by including the technical area of the other. Applicant further notes that Bonnell and Gajda share no common high-level classifications and contain absolutely no overlap between the areas of search. These are all objective indicators that the art is non-analogous, and for at least these additional reason, the combination of Bonnell and Gajda is not obvious.

Applicant submits that even if Bonnell and Gajda could be combined (which they cannot), that all limitations are not taught by the combination of Bonnell and Gajda. **Claim 1** includes: "*said plurality of monitored computing devices implementing schema* for responding to one or more queries by providing the aggregator component with at least one access point, which can be traversed to dynamically discover information about one or more associated computing devices that satisfies the one or more queries, *based on one or more query triggering events defined in the schema*" (emphasis added).

The Examiner asserts this is taught by: Bonnell Fig. 3, col. 5, ll. 16-23 and Gajda col. 9, ll. 21-46; col. 9. l. 57-col. 10 l. 8. (Action mailed 11/23/05, p. 4.) Applicant has diligently searched the cited passages and can find nothing corresponding to the recited element. The Examiner has said that Gajda does have a "data access layer [which] provides a single access point for data manipulation including query resolution" so perhaps the Examiner is asserting that the "one or more query triggering events defined in the schema" is part of the "data access layer" of Gajda.

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However, the cited passages of Gajda contain no such teaching. Gajda col. 9, ll. 21–46 discuss Index Manager 902 (Gajda Fig. 9) which is “accessed by the SQL Engine 314 during the satisfying of an end user query”. (Gajda, col. 9, ll. 22–23.) The cited passage does not teach a “plurality of monitored computing devices implementing schema . . . based on one or more query triggering events defined in the schema”.

The Examiner also cites col. 9, l. 57 – col. 10, l. 8 of Gajda. This discusses Fig. 11 which illustrates “the use of the indices in satisfying a user query”. (Col. 9, ll. 57–58.) Nowhere in Fig. 11 or in the cited passage does it discuss “plurality of monitored computing devices implementing schema . . . based on one or more query triggering events defined in the schema”. Thus, all the limitations of claim 1 are neither shown nor suggested in Bonnell or Gajda, either alone or in combination.

For at least these reasons, Applicant submits that the Examiner has not met his prima facie case of obviousness, since “all the claim limitations must be taught or suggested by the prior art. (MPEP 2143.03) Applicant respectfully submits that claim 1 is in full condition for allowance.

If the Examiner continues to assert that these limitations are shown in the prior art, Applicant respectfully requests the Examiner specifically identify where such teaching is located and how such teaching meets the claimed elements. As cited in MPEP 2144.08(III), “The Office action should clearly communicate the Office’s findings and conclusions, articulating how the conclusions are supported by the findings. Where applicable, the findings should clearly articulate which portions of the reference support any rejection.”

**Claims 2–5** depend from claim 1 and for at least that reason, as well as others, Applicant submits that claims 2–5 are in condition for allowance.

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With respect to **claims 6–15**, Applicant submits that since Bonnell and Gajda cannot be properly combined, that claims 6–15 are also in condition for allowance.

Additionally, Applicant notes that **claim 6** includes: “*maintaining a data repository on each of the other computing devices that is based on a monitoring and control schema* for providing the aggregator component with at least one access point, which can be traversed to dynamically discover information about one or more associated computing devices that satisfies at least one query, *based on one or more query triggering events defined in the monitoring and control schema.*” (Emphasis added.)

For this element, the Examiner has cited Bonnell, col. 9, l. 61–col. 10, l. 10 and Gajda col. 9, ll. 21–46; col. 9, l. 57–col. 10 l. 8; and col. 10, ll. 52–59. (Action mailed 11/23/05, p. 6.) Applicant has diligently searched the cited passages and can find nothing corresponding to the recited element, particularly the emphasized portions. The Examiner has said that Gajda does have a “data access layer [which] provides a single access point for data manipulation including query resolution” so perhaps the Examiner is asserting that the “one or more query triggering events defined in the schema” is part of the “data access layer” of Gajda.

As noted above, Gajda col. 9, ll. 21–46 discusses Index Manager 902 (Gajda Fig. 9) which is “accessed by the SQL Engine 314 during the satisfying of an end user query”. (Gajda, col. 9, ll. 22–23.) The cited passage does not teach “maintaining a data repository on each of the other computing devices that is based on a monitoring and control schema . . . based on one or more query triggering events defined in the monitoring and control schema”. Applicant fails to find the asserted elements including any “monitoring and control schema” let alone any “query triggering events” defined therein.

Also as noted above, Gajda col. 9, l. 57–col. 10 l. 8 discusses Fig. 11 which illustrates “the use of the indices in satisfying a user query”. (Col. 9, ll. 57–58.) Applicant again fails to

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find the asserted elements including any “monitoring and control schema” let alone any “query triggering events” defined therein.

Finally, Gajda col. 10, ll. 52–59 discusses an element of Gajda, claim 1: “a store place data access layer (SPDAL) coupled to the server, the at least one relational data source, and the at least one non–relational data source, the SPDAL providing a single access point for data manipulation concurrently across the at least one relational data source, wherein the data manipulation is performed with a single query to the SPDAL.” Applicant can see no teaching nor suggestion of “maintaining a data repository on each of the other computing devices that is based on a monitoring and control schema . . . based on one or more query triggering events defined in the monitoring and control schema” in the cited passage.

Thus, all the limitations of claim 6 are neither shown nor suggested in Bonnell or Gajda, either alone or in combination. Applicant respectfully submits for at least these additional reasons that claim 6 is in full condition for allowance.

If the Examiner continues to assert that these limitations are shown in the prior art, Applicant respectfully requests the Examiner specifically identify where such teaching is located and how such teaching meets the claimed elements. As cited in MPEP 2144.08(III), “The Office action should clearly communicate the Office’s findings and conclusions, articulating how the conclusions are supported by the findings. Where applicable, the findings should clearly articulate which portions of the reference support any rejection.”

**Claims 7–15** depend from claim 6 and for that reason, as well as others, are neither anticipated nor rendered obvious in light of Bonnell or Gajda, either alone or in combination. Applicant respectfully submits that for at least these additional reasons claims 7–15 are in full condition for allowance.

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With respect to **claims 19–25**, Applicant submits that since Bonnell and Gajda cannot be properly combined, that claims 19–25 are also in condition for allowance.

Additionally, Applicant notes that **claim 19** includes: “said obtaining step performed by instructions that access data from *a data repository implemented on the other computing devices that is based on a monitoring and control schema* for responding to one or more queries by providing the aggregator component with at least one access point, which can be traversed to dynamically discover information about one or more associated computing devices that satisfies the one or more queries, *based on one or more query triggering events defined in the schema*”. (Emphasis added.)

As in claim 6, the Examiner again cites Bonnell, col. 9, l. 61–col. 10, l. 10 and Gajda col. 9, ll. 21–46; col. 9, l. 57–col. 10 l. 8; and col. 10, ll. 52–59. (Action mailed 11/23/05, p. 9.) As in claim 6, Applicant has diligently searched the cited passages and can find nothing corresponding to the recited element, particularly the emphasized portion. The Examiner has said that Gajda does have a “data access layer [which] provides a single access point for data manipulation including query resolution” so perhaps the Examiner is asserting that the “one or more query triggering events defined in the schema” and other aspects of the element are part of the “data access layer” of Gajda.

As noted above, Gajda col. 9, ll. 21–46 discusses Index Manager 902 (Gajda Fig. 9) which is “accessed by the SQL Engine 314 during the satisfying of an end user query”. (Gajda, col. 9, ll. 22–23.) The cited passage does not teach “a data repository implemented on the other computing devices that is based on a monitoring and control schema . . . based on one or more query triggering events defined in the schema”. Applicant fails to find the asserted elements including any “monitoring and control schema” let alone any “query triggering events” defined therein.

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Also as noted above, Gajda col. 9, l. 57–col. 10 l. 8 discusses Fig. 11 which illustrates “the use of the indices in satisfying a user query”. (Col. 9, ll. 57–58.) Applicant again fails to find the asserted elements including any “monitoring and control schema” let alone any “query triggering events” defined therein.

Finally, Gajda col. 10, ll. 52–59 discusses an element of Gajda, claim 1: “a store place data access layer (SPDAL) coupled to the server, the at least one relational data source, and the at least one non–relational data source, the SPDAL providing a single access point for data manipulation concurrently across the at least one relational data source, wherein the data manipulation is performed with a single query to the SPDAL.” Applicant can see no teaching nor suggestion of “a data repository implemented on the other computing devices that is based on a monitoring and control schema . . . based on one or more query triggering events defined in the schema” in the cited passage.

Thus, all the limitations of claim 19 are neither shown nor suggested in Bonnell or Gajda, either alone or in combination. Applicant respectfully submits for at least these additional reasons that claim 19 is in full condition for allowance.

If the Examiner continues to assert that these limitations are shown in the prior art, Applicant respectfully requests the Examiner specifically identify where such teaching is located and how such teaching meets the claimed elements. As cited in MPEP 2144.08(III), “The Office action should clearly communicate the Office’s findings and conclusions, articulating how the conclusions are supported by the findings. Where applicable, the findings should clearly articulate which portions of the reference support any rejection.”

**Claims 20–25** depend from claim 19 and for that reason, as well as others, are neither anticipated nor rendered obvious in light of Bonnell or Gajda, either alone or in combination.

Applicant respectfully submits that for at least these additional reasons claims 20–25 are in full condition for allowance.

With respect to **claims 28–33**, Applicant submits that since Bonnell and Gajda cannot be properly combined, that claims 28–33 are also in condition for allowance.

Additionally, Applicant notes that **claim 28** includes: “generating a visual output for conveying information about the multiple other computing devices based on a result from the aggregator component formatted according to data maintained on *a data repository implemented on the other computing devices that is based on a monitoring and control schema* for responding to at least one query by providing the aggregator component with at least one access point, which can be traversed to dynamically discover the information about the other computing devices that satisfies the at least one query to the aggregator component, *based on one or more query triggering events defined in the monitoring and control schema*”. (Emphasis added.)

The Examiner cites Bonnell, col. 2, ll. 43–51, col. 9, l. 61–col. 10, l. 10 and Gajda col. 9, ll. 21–46; col. 9, l. 57–col. 10 l. 8; and col. 10, ll. 52–59. (Action mailed 11/23/05, p. 11.) Applicant has diligently searched the cited passages and can find nothing corresponding to the recited element, particularly the emphasized portions. The Examiner has said that Gajda does have a “data access layer [which] provides a single access point for data manipulation including query resolution” so perhaps the Examiner is asserting that the “one or more query triggering events defined in the schema” and other aspects of the element are part of the “data access layer” of Gajda.

As noted above, Gajda col. 9, ll. 21–46 discusses Index Manager 902 (Gajda Fig. 9) which is “accessed by the SQL Engine 314 during the satisfying of an end user query”. (Gajda, col. 9, ll. 22–23.) The cited passage does not teach “a data repository implemented on the

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other computing devices that is based on a monitoring and control schema . . . based on one or more query triggering events defined in the schema”. Applicant fails to find the asserted elements including any “monitoring and control schema” let alone any “query triggering events” defined therein.

Also as noted above, Gajda col. 9, l. 57–col. 10 l. 8 discusses Fig. 11 which illustrates “the use of the indices in satisfying a user query”. (Col. 9, ll. 57–58.) Applicant again fails to find the asserted elements including any “monitoring and control schema” let alone any “query triggering events” defined therein.

Finally, Gajda col. 10, ll. 52–59 discusses an element of Gajda, claim 1: “a store place data access layer (SPDAL) coupled to the server, the at least one relational data source, and the at least one non–relational data source, the SPDAL providing a single access point for data manipulation concurrently across the at least one relational data source, wherein the data manipulation is performed with a single query to the SPDAL.” Applicant can see no teaching nor suggestion of “a data repository implemented on the other computing devices that is based on a monitoring and control schema . . . based on one or more query triggering events defined in the schema” in the cited passage.

Thus, all the limitations of claim 28 are neither shown nor suggested in Bonnell or Gajda, either alone or in combination. Applicant respectfully submits for at least these additional reasons that claim 28 is in full condition for allowance.

If the Examiner continues to assert that these limitations are shown in the prior art, Applicant respectfully requests the Examiner specifically identify where such teaching is located and how such teaching meets the claimed elements. As cited in MPEP 2144.08(III), “The Office action should clearly communicate the Office’s findings and conclusions, articulating how the

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conclusions are supported by the findings. Where applicable, the findings should clearly articulate which portions of the reference support any rejection.”

**Claims 29–33** depend from claim 28 and for that reason, as well as others, are neither anticipated nor rendered obvious in light of Bonnell or Gajda, either alone or in combination. Applicant respectfully submits that for at least these additional reasons claims 29–33 are in full condition for allowance.

In addressing the Examiner’s rejection of **claim 34**, Applicant is not able to fully understand specifically which portions of the Bonnell and Gajda the Examiner is asserting correspond to the individual elements of claim 34. The Examiner has not broken down with specificity the elements and makes only general citations that reject the entire claim, specifically Bonnell, Fig. 3 and col. 5, ll. 16–23 and Gajda, col. 9, ll. 21–46; col. 9, l. 57–col.10 l. 8; and col. 10, ll. 52–59. (Action mailed 11/23/05, p. 13.) Applicant would appreciate an articulation of which portions of the references correspond to which elements. (MPEP 2144.08(III)) If the Examiner is proposing that certain aspects of the references need to be modified due to the combination of references, Applicant would appreciate an articulation of that as well. In the absence of such articulation, Applicant is not able to effectively respond to the rejection.

With respect to claim 34, Applicant submits that since Bonnell and Gajda cannot be properly combined, that claim 34 is also in condition for allowance.

Even if Bonnell and Gajda could be properly combined, however, they do not teach the elements of claim 34. Claim 34 includes “at least one aggregator module that makes at least one query . . . via at least one access module”. In Bonnell, the Examiner has cited Fig. 3, which is an illustration of the server computer system (e.g. the system that is managed by the network management computer) and col. 5, ll. 16–23, which describes the characteristics of the

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language definition (such as a script language) that are required for Bonnell to work as it is intended. Neither of these can be the recited “at least one aggregator module” and “at least one access module” since claim 34 is directed to a “network management component”. Both of the cited portions of Bonnell deal with the managed system (e.g. server computer system in Bonnell), not the network manager (e.g. network management computer system in Bonnell). Gajda does not deal with network management and thus cannot add anything it this aspect.

However, such may have been an oversight on the Examiner’s part and Applicant presumes that the Examiner intended to cite some portion of the network management system (e.g. Fig. 1, Fig. 2). However, taking as an example the disclosure of Fig. 2, it is unclear to Applicant which element of Fig 2 Examiner would select as the “at least one aggregator module”. Applicant presumes it would be either knowledge database manager 46 or object database manager 48 (Bonnell, Fig. 2). However, as taught in Bonnell, neither knowledge database manager 46 nor object database manager 48 “make at least one query”. As discussed in previous office actions, Bonnell teaches the use of scripts. Gajda teaches processing of queries, but the queries processed are all end user queries. (e.g. Gajda col. 9, ll. 24.) No teaching or combination exists within Bonnell or Gajda to have “at least one aggregator module that makes at least one query . . . via at least one access module”. Particularly in light of the exact language cited by the Examiner (Bonnell, col. 5, ll. 16–23). No query satisfies the requirements stated therein, and hence, cannot be used.

Applicant further notes that claim 34, includes “at least one access module which is derived from schema implemented by the at least one network resource component”. Applicant is unclear which aspect of Bonnell or Gajda Examiner considers to be the “at least one access module” and, since neither Bonnell nor Gajda discuss a schema, how the combination teaches deriving the “at least one access module . . . from schema implemented by the at least one network resource component”. The Examiner has said that Gajda does have a “data access layer

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[which] provides a single access point for data manipulation including query resolution” so perhaps the Examiner is asserting that the “data access layer” of Gajda somehow meets this element.

However, Applicant submits it is insufficient simply to state that Gajda has a “data access layer [which] provides a single access point for data manipulation including query resolution”. Applicant also submits it is insufficient to recite those portions of Gajda that discuss using Index Manager 902 to process end user queries (Gajda col. 9, ll. 21–46), using indices in satisfying a user query (Gajda col. 9, l. 57–col. 10 l. 8) and the element of Gajda claim 1 that claims the store place data access layer (col. 10, ll. 52–59). The Examiner must also show which part of Gajda (or which combination of Bonnell and Gajda) teaches deriving “at least one access module . . . from schema implemented by the at least one network resource component”

Claim 34 also includes that “the schema being made accessible to the at least one aggregator module based on one or more query triggering events”. As discussed previously, the cited portions of Bonnell and Gajda do not teach “query triggering events” let alone having “the schema being made accessible to the at least one aggregator module” based on the triggering events.

For at least these reasons, as well as others, Applicant respectfully submits that the Examiner has not met his burden of making a prima facie case and that neither Bonnell nor Gajda, either alone or in combination, anticipate or render obvious all the elements of claim 34. Claim 34, therefore, is in condition for allowance.

In addressing the Examiner’s rejection of **claim 35**, Applicant is not able to fully understand specifically which portions of the Bonnell and Gajda the Examiner is asserting correspond to the individual elements of claim 35. The Examiner has not broken down with

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specificity the elements and makes only general citations that reject the entire claim, specifically Bonnell, Fig. 3 and col. 5, ll. 16–23 and Gajda, col. 9, ll. 21–46; col. 9, l. 57–col. 10 l. 8; and col. 10, ll. 52–59. (Action mailed 11/23/05, p. 13.) Applicant notes that these are the exact same citations used to reject claim 34, even though claim 34 is directed to “at least one network management component” (e.g. the component(s) doing the managing) and claim 35 is directed to “at least one network resource component” (e.g. the component(s) being managed). This alone raises the question of which aspects of the cited portions of the references read on the various elements of “network management component” and which read on the various elements of “network resource component,” since there are clearly differences in the elements of claim 34 and claim 35. Applicant would appreciate an articulation of which portions of the references correspond to which elements. (MPEP 2144.08(III)) If the Examiner is proposing that certain aspects of the references need to be modified due to the combination of references, Applicant would appreciate an articulation of that as well. In the absence of such articulation, Applicant is not able to effectively respond to the rejection.

With respect to claim 35, Applicant submits that since Bonnell and Gajda cannot be properly combined, that claim 35 is also in condition for allowance.

Even if Bonnell and Gajda could be properly combined, however, they do not teach the elements of claim 35. Claim 35 includes “at least one status module that obtains the status information for satisfying at least one query from the at least one network management component requesting the status information”. In Bonnell, the Examiner has cited Fig. 3, which is an illustration of the server computer system (e.g. the system that is managed by the network management computer) and col. 5, ll. 16–23, which describes the characteristics of the language definition (such as a script language) that are required for Bonnell to work as it is intended. Applicant is unclear which portion of Fig. 3, as modified by whatever the Examiner believes is taught by Gajda, corresponds to the “at least one status module”. Clearly, Bonnell as

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cited has nothing that satisfies “at least one query from the at least one network management component”. Thus Applicant presumes that some aspect of Fig. 3 would need to be modified by Gajda. However, the sections of Gajda recited by the Examiner simply discuss using Index Manager 902 to process end user queries (Gajda col. 9, ll. 21–46), using indices in satisfying a user query (Gajda col. 9, l. 57–col. 10 l. 8) and the element of Gajda claim 1 that claims the store place data access layer (col. 10, ll. 52–59). Applicant is unclear which aspect of Fig. 3 the Examiner is proposing be modified to include one or more of these aspects of Gajda. Without such specificity, Applicant cannot determine whether such a modification would be proper under current PTO practice. (MPEP 2143; 2144.08(III))

Applicant further notes that claim 35, includes “at least one access module derived from schema implemented by the at least one network component . . . and at least one query event module derived from the schema implemented by the at least one network management component”. Applicant is unclear which aspect of Bonnell and/or Gajda the Examiner considers to be the “at least one access module” and which is the “at least one query event module”. Furthermore, since neither Bonnell nor Gajda discuss a schema, Applicant is unclear how the combination teaches deriving the “at least one access module . . . from the schema implemented by the at least one network component” and deriving “the at least one query event module . . . from the schema implemented by the at least one network management component”. The Examiner has said that Gajda does have a “data access layer [which] provides a single access point for data manipulation including query resolution” so perhaps the Examiner is asserting that the “data access layer” of Gajda somehow meets this element.

However, Applicant submits it is insufficient simply to state that Gajda has a “data access layer [which] provides a single access point for data manipulation including query resolution”. Applicant also submits it is insufficient to recite those portions of Gajda that discuss using Index Manager 902 to process end user queries (Gajda col. 9, ll. 21–46), using

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indices in satisfying a user query (Gajda col. 9, l. 57–col. 10 l. 8) and the element of Gajda claim 1 that claims the store place data access layer (col. 10, ll. 52–59). The Examiner must also show which part of Gajda (or which combination of Bonnell and Gajda) teaches *deriving* the “at least one access module . . . from the schema implemented by the at least one network component” and *deriving* “the at least one query event module . . . from the schema implemented by the at least one network management component”.

For at least these reasons, as well as others, Applicant respectfully submits that the Examiner has not met his burden of making a prima facie case and that neither Bonnell nor Gajda, either alone or in combination, anticipate or render obvious all the elements of claim 35. Claim 35, therefore, is in condition for allowance.

**Claims 16–18** currently stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al. (US Patent Number 5,862,325), hereinafter referred to as Reed, in view of Gajda.

Initially, Applicant submits that Reed and Gajda are not properly combined. Applicant respectfully submits that the combination renders Reed inoperable for its intended purpose and, since it adds capability to Reed that cannot be utilized, is nonsensical. Additionally Applicant respectfully submits that the Examiner has not provided any information on which aspect of Reed is modified and what modification is proposed beyond “adding the ability to provide an access point that can be traversed to dynamically discover information that satisfies one or more queries as provided by Gajda”. Since by the Examiner’s own description, “Reed discloses a system for transferring metadata between an provider and a consumer computer that results in intelligent processing of information by the consumer computer and combined control by the provider and consumer of the types of content information subsequently transferred”, Applicant is unclear how the “one or more queries” and an “access point that can be traversed to dynamically discover information” are to be added. What will do the dynamic

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traversal to discover information? What information will be discovered? In Applicant's analysis of Reed, there is no need for this functionality to exist and it would serve no purpose within the structure of Reed. In fact, it does not appear that such functionality could even be used if it were included, since there is no functionality or structure disclosed in Reed to take advantage of it.

Furthermore, if such structure were included, it appears that the entire 'push' 'pull' method that is used in Reed (e.g. Reed, col. 13, ll. 12-23) would collapse to a 'pull' only model since somehow the single point of access which the Examiner cites in Gajda would need to be used by something to dynamically discover information. This indicates a substantial change to Reed and eliminates a basic mode of operation for Reed as disclosed. (MPEP 2143.01.) Also, depending on how the Examiner is proposing to modify Reed, such a combination may violate the desire in Reed to "automatically structure, exchange, and process incoming and outgoing communications to the greatest extent possible" (Reed, col. 3, ll. 54-56.) since all queries in Gajda appear to be end user queries. (e.g. Gajda, col. 9, ll. 23-24.)

Applicant thus submits that for at least these reasons, Gajda and Reed cannot be properly combined and claim 16 is in condition for allowance. Since claims 17-18 depend from claim 16, Applicant submits they are also in condition for allowance.

In addition to changing the fundamental operation of Reed and rendering Reed inoperable for its intended purpose, Applicant respectfully submits that the Examiner has not articulated a valid motivation to combine Reed and Gajda. The Examiner has stated the "combination satisfies the need for increased flexibility and efficiency of access to database" and cites Gajda, col. 3, ll. 20-24. (Action mailed 11/23/05, p. 15.) Applicant does not disagree that within the context of Gajda, having the Store Place Data Access Layer of Gajda will increase flexibility and efficiency of access to the databases. The reason for this is shown in the sentence directly above the citation made by the Examiner. ". . . there exists a need for a

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method and system for improved access to non-relational databases in a computer system”. (Gajda, col. 3, ll. 20–22, emphasis added.) However, since Reed does not seem to utilize access to non-relational data as provided by Gajda, Applicant respectfully submits that the same benefit does not flow to the combination. Thus, there appears to be no benefit whatsoever of adding the ability to access both relational and non-relational data to Reed. Therefore Applicant respectfully submits that claims of increased flexibility and efficiency are specious and there really isn’t any motivation to combine Gajda and Reed. (MPEP 2143.01.)

Applicant respectfully submits that for at least these additional reasons, Gajda and Reed cannot be properly combined and claim 16 is in condition for allowance. Since claims 17–18 depend from claim 16, Applicant submits they are also in condition for allowance.

Applicant further submits that even if Reed and Gajda could be properly combined (which they cannot), the combination does not teach all of the elements of claim 16.

Claim 16 includes “*a base class of type management element* from which a plurality of classes are derived and which provides *at least one access point* to instances of the derived classes, *which can be traversed to dynamically* discover information about one or more associated computing devices that satisfies the one or more queries, based on one or more query triggering events defined in at least one on event class derived from the base class”. (Emphasis added). The Examiner cites Reed col. 17, ll. 5–21 and Gajda col. 9, ll. 21–46; col. 9, l. 57–col. 10, l. 8 and col. 10, ll. 52–59.

Reed col. 17, ll. 5–21 indicates that Fig. 3 of Reed contains standard object-oriented notation of a global preferences object class. (Reed, col. 17, ll. 5–8.) In neither the text nor the accompanying Fig. 3 has applicant been able to locate “a base class of type management element”. If the Examiner is asserting that one of the global preferences objects corresponds to the recited “base class of type management element”, Applicant respectfully requests the

Examiner identify which of the objects corresponds as well as how the object corresponds to the recited “type management element” as defined in the instant application. As discussed above, Gajda col. 9, ll. 21–46 discloses using Index Manager 902 to process end user queries, Gajda col. 9 l. 57–col. 10, l. 8 discloses using indices in satisfying a user query, and Gajda col. 10, ll. 52–59 discloses the element of Gajda claim 1 that claims the store place data access layer. Applicant has diligently searched and can find no indication or discussion of “base class of type management element” and hence Gajda does nothing to remedy the defect of Reed in this respect.

For at least this additional reason, Applicant submits that claim 16 is patentable over Reed and Gajda, either alone or in combination. Applicant therefore submits that claim 16 is in condition for allowance. Since claims 17–18 depend from claim 16, Applicant submits they are also in condition for allowance.

Furthermore, in the cited portions of Reed and Gajda, applicant can identify no objects that “are derived” from the base class of type management element, “and which provides *at least one access point* to instances of the derived classes, *which can be traversed to dynamically*”. Assuming for the moment that Reed and Gajda can be combined, which applicant has shown they cannot, the combination still does not teach either the proper base class, the proper derived classes, with the recited functionality. At best the recited portions of Reed teaches a general object oriented notation and Gajda teaches using indices and a store place data access layer. Neither of which, either alone or in combination, are the recited elements of claim 16.

For at least this additional reason, Applicant submits that claim 16 is patentable over Reed and Gajda, either alone or in combination. Applicant therefore submits that claim 16 is in condition for allowance. Since claims 17–18 depend from claim 16, Applicant submits they are also in condition for allowance.

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Claim 16 also includes: “a first derived class of the base class being at least two managed elements having *one or more attributes comprising a display format attribute* defining a manner for presenting information at *one or more client devices* which is *obtained by an aggregator component on the management computing device via the at least one access point* and *a display name attribute* that identifies the information to be presented *at the one or more client devices*”. The Examiner cites Reed col. 50, ll. 25–46 and col. 71, l. 59–col. 72, l. 21. Reed col. 50 ll. 25–46 discusses “communications objects” that “provide a simple, automated way for the communication sender to know which encoding formats are optimal for a communications recipient.” (Reed col. 50, ll. 34–37.) Applicant can see no correlation between encoding format and the recited “display format attribute”. Particularly since Reed seems to utilize encoding solely for communications according to the cited passage. Reed col. 71, l. 59–col. 72 l. 21 discusses “query elements” that “receive special processing during the communications object generation and transmission routine” (Reed col. 72, l. 3–5.) “For each query element” a communications object contains “the query element is executed to perform the query.” (Reed col. 72, ll. 8–10.). This disclosure appears to add nothing to the “display format attribute”, “the display name attribute”.

For at least these additional reasons, Applicant submits that claim 16 is neither anticipated nor rendered obvious by Reed, either alone or in combination with Gajda. Applicant therefore submits that claim 16 is in condition for allowance. Since claims 17–18 depend from claim 16, Applicant submits they are also in condition for allowance.

Applicant further submits that the cited passages of Reed do not disclose “presenting information at one or more client devices which is obtained by an aggregator component on the management computing device”.

For at least this additional reason, Applicant submits that claim 16 is neither anticipated nor rendered obvious by Reed, either alone or in combination with Gajda. Applicant therefore

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submits that claim 16 is in condition for allowance. Since claims 17–18 depend from claim 16, Applicant submits they are also in condition for allowance.

Claim 16 also includes “a second derived class of the base class being the at least one on event class that defines a source and result relationship between the at least two managed elements having at least one particular result object being provided for at least one particular source object based on the aggregator component requesting the information via the at least one access point”. The Examiner has cited Reed col. 41, l. 63–col. 42, l. 15 for this proposition. This portion of Reed discusses the event loop illustrated in Fig. 16B (Reed, col. 41, ll. 63) and references scheduled event class 117 of Fig. 3 (Reed, col. 41, ll. 66).

Applicant does not see how anything in the cited passage identifies the “source and result relationship between the *at least two managed elements having at least one particular result object being provided for at least one particular source object*” of claim 16. Reed recites only the “ID of the object requesting the event” and the “ID of the object carrying out the event”. (Reed col. 41, l. 67–col. 41, l. 1.) Furthermore, the Examiner has totally ignored the recited relationship of “at least one particular result object being provided for at least one particular source object based on *the aggregator component requesting the information via the at least one access point*”.

For at least these additional reasons, Applicant submits that claim 16 is neither anticipated nor rendered obvious by Reed, either alone or in combination with Gajda. Applicant therefore submits that claim 16 is in condition for allowance. Since claims 17–18 depend from claim 16, Applicant submits they are also in condition for allowance.

## CONCLUSION

Accordingly, in view of the above remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome.

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Reconsideration and reexamination of the above Application is requested. Based on the foregoing, Applicant respectfully requests that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

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